

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 2693 (Application 9443)

Los Padres Council, Boy Scouts of America

**ORDER APPROVING CHANGES IN PLACE OF USE
AND DENYING CHANGE IN PURPOSE OF USE
AND ISSUING AN AMENDED LICENSE**

SOURCE: Tequepis Creek tributary to the Santa Ynez River

COUNTY: Santa Barbara

WHEREAS:

1. License 2693 was issued pursuant to permitted Application 9443 on August 28, 1944, and was recorded with the County Recorder of Santa Barbara County on September 7, 1944. Recording of this license, and subsequent orders issued thereto, is prescribed by Water Code section 1650.
2. License 2693 authorizes direct diversion of 0.133 cubic foot per second from May 1 to October 31 of each year for Irrigation purposes and throughout the year for Domestic purposes. In case of rotation the equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there is no interference with other vested rights. The Place of Use where such water is put to beneficial use is as follows:

Domestic use and Irrigation of 12 acres as follows: 9 acres located within Lot 1,
and 3 acres located in Lot 2, all within Section 32, T6N, R29W, SBB&M.
3. The Division of Water Rights (Division) record of ownership for License 2693 shows the current holder of the license as Los Padres Council, Boy Scouts of America (Licensee).
4. On August 12, 1999, the Division conducted a compliance inspection and found the Licensee had expanded use outside of the authorized Place of Use. The inspection also found that Irrigation should be deleted from the license since the Licensee is no longer irrigating and Recreational use should be added as a Purpose of Use. Recreation occurs at Lake Janis, which is not listed as a Place of Storage for License 2693. The inspection report stated that the Licensee should:
(1) install a float valve to limit the diversion from the Point of Diversion to the waters actually being put to beneficial use; (2) add an annual amount to be diverted to the license; (3) delete Irrigation as a beneficial use; and (4) maintain monthly flow meter records of amounts of water diverted under the license.
5. The project is located on U.S. Forest Service Lands, Los Padres National Forest (USFS). The USFS August 23, 1999 letter requested that the Licensee be required to install a water meter at the diversion to determine if the licensed use is having an adverse effect on the biology of the area.

6. On April 4, 2001, Division staff conducted another inspection. The Division's June 8, 2001 letter regarding the inspection states that the Licensee still irrigates, however the present irrigated area is 5.5 acres, not the originally licensed 12 acres. In addition, Licensee's development of Rancho Alegre has expanded the domestic service area beyond the existing licensed Place of Use. Licensee was advised to file a change petition to cover the additional Place of Use. The June 8 letter confirms that an in-line flow meter had been purchased and would be installed. Moreover, the Licensee had agreed to maintain a record of its use of water under License 2693 on a monthly basis. The June 8, 2001 letter stated that the following term would be included in any Order issued pursuant to the change petition:

"No water shall be diverted under this license until the Licensee installs and maintains an in-line flow meter, acceptable to the Division, capable of measuring the instantaneous rate and cumulative amount diverted to beneficial use under this license. Licensee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these monthly records with the triennial Report of Licensee, or whenever requested by the Division."

7. On August 9, 2001, Licensee filed a change petition to change the Place of Use and Purpose of Use as follows:

a. Add Recreational as a Purpose of Use and

b. Change the Description of the Place of Use to:

- Domestic use located within the NE¼ of Section 32 and W½ of Section 33, all within T6N, R29W, SBB&M.
- Irrigation of 5.5 acres located as follows:

- 1 acre within NE¼ of NE¼ of Section 32, T6N, R29W, SBB&M
- 3.5 acres within NW¼ of NE¼ of Section 32, T6N, R29W, SBB&M
- 1 acre within SW¼ of NE¼ of Section 32, T6N, R29W, SBB&M

5.5 total acres.

The Division noticed the change petition on July 22, 2002, and no protests were received.

8. Inasmuch as Lake Janis is not an authorized facility pursuant to License 2693, the petitioned change to add Recreation as a use is not approved.
9. The petition states that the project changes occurred in 1965 when the property changed from a ranching operation to a youth education and recreation facility. The County of Santa Barbara issued a conditional use permit for a capacity of 300 people. The USFS estimated that the project changes were made in 1970 during a May 11, 2006 telephone conversation with Division staff. The changes qualify for an on-going project exemption pursuant to Section 15261 of the Public Resources Code. Consequently, the Division issued a Notice of Exemption on the date of issuance of this Order.
10. The Licensee's April 15, 2004 letter confirmed there is a meter on the intake line to measure water used from the source.
11. USFS staff notified Division staff on May 11, 2006 that an on-site inspection was conducted of the project in April 2006. The in-line flow control valve has been installed, however, it is located 1 to 2 miles below the Point of Diversion. USFS is concerned about the location of the in-line flow control valve because during the summer months the Licensee could potentially dewater the stream. (May 11, 2006 contact report.) The Licensee will be required to obtain confirmation from the USFS that the in-line control valve is in the appropriate location.

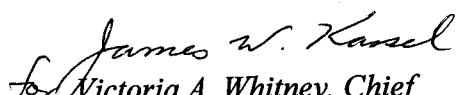
The State Water Resources Control Board (State Water Board) has determined that the license shall be amended to include the following specific corrections or changes:

1. Correct the Description of the Place of Use as follows:
 - Domestic use within NE¼ of Section 32 and W½ of Section 33, all located within T6N, R29W, SBB&M.
 - Irrigation of 5.5 acres located as follows:
 - 1 acre within NE¼ of NE¼ of Section 32, T6N, R29W, SBB&M
 - 3.5 acres within NW¼ of NE¼ of Section 32, T6N, R29W, SBB&M
 - 1 acre within SW¼ of NE¼ of Section 32, T6N, R29W, SBB&M
 - 5.5 total acres.
2. Add a maximum annual diversion limit – the maximum amount to be diverted in any one year shall not exceed 25 acre-feet.
3. No water shall be diverted under this license until the Licensee installs and maintains an in-line flow meter, acceptable to the Division, capable of measuring the instantaneous rate and cumulative amount diverted to beneficial use under this license. Licensee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these monthly records with the triennial Report of Licensee, or whenever requested by the Division.
4. Within 90 days following issuance of this Order, Licensee shall submit written verification to the Division that Licensee has met with the U.S. Forest Service, Los Padres National Forest to determine if the in-line flow meter is located in the appropriate location. The Licensee shall move the flow meter to a mutually acceptable location, if required. The Licensee shall submit written verification of compliance with this requirement within 180 days of issuance of the Order and Amended License.
5. The State Water Board standard license terms pertaining to continuing authority, water quality objectives, protection of endangered species, and the need for State Department of Fish and Game stream alteration agreement shall be updated or added to the Amended License.
6. The State Water Board has determined the Amended License does not constitute an initiation of a new right, and does not injure prior rights or the public trust resources of the State.
7. All other conditions of License 2693 are still applicable and will be included in the Amended License issued in accordance with this Order.

THEREFORE, IT IS ORDERED:

The attached Amended License 2693 is issued, superseding former License 2693 issued on August 28, 1944. The priority of Amended License 2693 is October 25, 1938.

STATE WATER RESOURCES CONTROL BOARD


Victoria A. Whitney, Chief
Division of Water Rights

Dated: **AUG 30 2007**

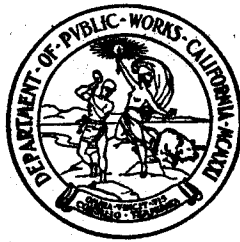
L 2693

1-3-84 name chgd to Ventura County Council Camp Fire, Inc

Notice of asgd: 10-14-88
to
Mission Council, Boy Scouts
of America

lie#

2693



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

LICENSE **2693**

PERMIT **5360**

APPLICATION **9443**

THIS IS TO CERTIFY, That **Anna E. Clark, New York City, New York**
Notice of Assignment (Over)

has made proof as of **July 16, 1943**

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of
Tequesip Creek in Santa Barbara County

tributary to **Santa Inez River**

for the purpose of **irrigation and domestic uses**
under Permit **5360** of the Department of Public Works and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from **October 25, 1938;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **one hundred thirty three**
thousandths (0.133) cubic feet per second from about May 1 to about October 31
of each season and throughout the remainder of the year as required for domestic
purposes.

In case of rotation the equivalent of such continuous flow allowance for any
thirty day period may be diverted in a shorter time if there be no interference
with other vested rights.

This license is based on the use of water made during the year 1943 which was
the year of maximum use within the three year period preceding the date of
inspection; namely, July 16, 1943.

The point of diversion of such water is located **South fifty seven degrees no minutes**
East (S. 57° 00' E.) one thousand sixty five (1065) feet from the N.W. corner
of Section 7, T 5 N, R 29 W, S.B.B. & M., being within Lot 1 of said Section 7.

A description of the lands or the place where such water is put to beneficial use is as follows:

Domestic use and irrigation of 12 acres as follows: 9 acres in Lot 1 and
3 acres in Lot 2 of Section 32, T 6 N, R 29 W., S.B.B. & M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion
herein specified and to the lands or place of use herein described.

1

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this **28th**
day of **August**, 19 **44**

[SEAL]

EDWARD HYATT, State Engineer

By Harold Conkling
Deputy State Engineer

~~9-15-64~~
~~10-5-64~~ name changed to
Estate of Anna E. Clark.
10-5-64 - Int of Est. of Anna E.
Clark trf to Huguette M.
Clark;

11-9-64 - RECEIVED NOTICE OF ASSIGNMENT TO Mission Canal
of the Boy Scouts
of America;

9-15-64 name chgd to Est. of Anna
E. Clark
10-5-64 Int of Est. of Anna E. Clark trf
to Huguette M. Clark
6-24-66 RECEIVED NOTICE OF ASSIGNMENT TO Ventura County
Council, Camp Fire Girls



LICENSE 2693

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Anna E. Clark

DATED August 28, 1944

36292 7-44 IN STATE PRINTING OFFICE

2